# 2010 SUMMARY OF APPEALS BEFORE THE COMMISSION:

# BEFORE THE CIVIL SERVICE COMMISSION:

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
10-01-020		Personnel	12-9-10		Suspension	Appellant alleges she did not violate rules, job expectations or agreements. Alleges suspension is unjust, harsh and unreasonable.	Delegated to OHE
10-01-019		HSD	12-7-10	Persoonnel Rules 2.1.6; 3.1.10; 3.1.4, 4.3.3A; 4.04.070, 130, 150, 220 & 230. 6.2.6 & 6.2.7 Article XVI Sec. 4 City Charter	Discharge	Appellant alleges in lieu of layoff she should have been able to bump into a lower position	Delegated to OHE
10-04-018		SPU	12-2-10	Layoff Rules	Abrogation/Layoff/ Bumping	Appellant alleges position is being abrogated and she is being forced to take an open half-time position that is not equivalent to her F/T position.	Delegated to OHE
10-04-017		Light	11-22-10	Personnel Rule 6.29- Reinstatement	Lay- off/Reinstatement	Appellant alleges he is qualified for the NERC position and department has failed to comply with Personnel Rule 6.2.9 regarding reinstatement. Dismissed December 15, 2010 for Premature Filing.	

### BEFORE THE CIVIL SERVICE COMMISSION:

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
10-01-004		Fleets	2-12-2010		Suspension	Appellant alleges denial of due process/progressive discipline prior to suspension and lack of ADA accommodations. A 1 <sup>st</sup> prehearing took place on March 24. The	Diane Hess Taylor
						appeal was referred to the Office for Civil Rights to address the ADA issue of the appeal. A 2 <sup>nd</sup> prehearing is scheduled for November 8, 2010 to review the issue; parties will also make efforts to pursue ADR. Parties requested and granted a continuance until January 2011.	
10-07-005		Light	3-2-2010	1.5 Performance Management	Performance Evaluation	Appellant Alleges '09 Performance Evaluation included false and negative statements not discussed with appellant in '09 prior to receiving.1st prehearing took place March 30, 2010. The Respondent submitted a Motion to Disqualify Hearing Officer. The Commission reviewed at its April 21 meeting and denied the motion. Hearing was held on September 28 & 29. Parties will explore mediation. Parties to submit Closing Briefs January 14, 2011.	Chris Mathews

# DELEGATED TO OFFICE OF THE HEARING EXAMINER:

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
10-02-013		SPU	10-12-2010			Appellant alleges termination was not justified. Hearing scheduled for February 7, 2011.	

CASE#	APPELLANT	DEPT	FILED	RULE OR COI	DE ISSUE	APPEAL SUMMARY/STATUS HEAD	RING OFFICER
10-01-008		SPU	3-23-2010		Whether suspension was for just cause.		e Hess or
09-04-017		SCL	12-15-09	4.04.220; Persnl. Rule 6.2	Whether bumping rights were observed in accordance with established laws, rules and procedures.	days pending interdepartmental grievance	ОНЕ

CASE#	APPELLANT	DEPT	FILE	D RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARI	NG OFFICER
09-01-009		Light	7-21-09	4.1.7 Final Selection; 13.3. Order of Severity of the Disciplinary Action	Whether suspension was for justifiable cause	Appellant alleges the investigation conduction was flawed. Management neglected to consider the information provided at the Loudermill Meeting. Disparate treatment for procedures; Talent acquis protocols were not followed. Disciplinary action do not commensurate with the offense. Age Discrimit (this portion referred to Seattle Office for Civil Ri, Prehearing scheduled for November 24, 2009. Head scheduled for April 28, 2010. Decision of the Head Examiner issued. Appellant filed a Petition for repending review of the Civil Service Commission. Commission reviewed at its July 21 meeting. The Commission affirmed the decision of the OHE. Applismissed July 21, 2010.	sition oes nation ghts.) uring ring view. The	ОНЕ
09-01-013		Seattle Center	10-2-09	Progressive Discipline 1.3.3m 1.3.4B, C 1.3.5, 6, 7A	Whether Termination was for just cause	Appellant alleges termination violates Seattle Municipal Code(s), City Charter(s), and Personnel Rule(s). 1st prehearing scheduled for November 12, 2009. 2nd Prehearing was held on December 10, 2009. Hearing scheduled for February 23-25& March 1-3, 2010. Hearing Officer issued a decision April 19, 2010. The appellant filed a Petition for Review. The Commission reviewed the decision and PFR at its July meeting and affirmed the Hearing Officer's decision.  Dismissed July 15, 2010.	Chris	Mathews

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
10-03-006		City Light	3-12-10	Personnel Rule 3.3.6A Classification/C ompensation	Classification/ Compensation	Appellant alleges pay reduced after lateral transfer to position in the same classification as previous position held. Appeal held in abeyance (grievance procedure) Appellant submitted PFR. Memorandum Decision and Dismissal Order issued. CSC does not have jurisdiction. Dismissed June 16, 2010.	OHE
10-06-009		SPU	3-23-10	City Charter XVI, Sec. 4;	Political Patronage	Appellant alleges the Mayor of Seattle violated the City Charter, City Ordinance	
				City Ordinance 123166 & Persnl. Rule 3.3.5		and Personnel Rules in administering Executive Orders related to elimination of Sr. level positions, withholding base salary increases for employees in certain	
				3.3.3		classifications, establishing the Furlough Program and directing depts. To obtain approval for salary offers to new employees	
						in classifications. Dismissed April 29, 2010	
10-06-010		SPU	3-24-10	City Charter XVI, Sec. 4; City Ordinance 123166 & Persnl. Rule 3.3.5	Political Patronage	Appellant alleges the Mayor of Seattle violated the City Charter, City Ordinance and Personnel Rules in administering Executive Orders related to elimination of Sr. level positions, withholding base salary increases for employees in certain	
						classifications, establishing the Furlough Program and directing depts. To obtain approval for salary offers to new employees in classifications. Dismissed April 29, 2010	

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISS	UE	APPEAL SUMMARY/STATUS	HEARING OFFICER
10-03-007		Personnel	3-12-10		Cl	assification	Determination of position as reallocated, reclassified or retitled Issue was "resolved favorably through another process" Dismissed on April 14, 2010.	
09-01-016		Retirement	12-8-09	1.37	Whether Termina for just of	ation was	Appellant alleges termination was without cause. Commission to review at its January 20, 2010 meeting, submission of Appellant and Respondent Briefs and Responses. Appeal will be held in ABEYANCE FOR 90 DAYS while parties explore a Settlement Agreement.  Parties reached a settlement. Dismissed March 19, 2010.	TBD
10-03-001		Retirement	2-1-2010	2.1.1M	Realloc	cation	Appellant alleges reallocation of position was never disclosed and resulted in discharge. Appeal will be placed in abeyance with appeal #09-01-016 while parties are in settlement talks Dismissed March 19, 2010.	TBD

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
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09-01-015		Parks	11-16-09		Whether suspension was for justifiable cause	Appellant alleges he was not provided notice of 20 days to appeal decision and suspension is unfair. Prehearing scheduled for January 5. The Commission reviewed the Findings of the Hearing Examiner at its April 21st meeting. Dismissed on April 22, 2010	ОНЕ
10-03-003		Light	2-2-2010		Whether compensation level was established in accordance with established rules and procedures.	1 001 1111 9 10, 20101	
10-03-002		Light	2-1-2010		Whether classification level was established in accordance with established laws, rules and procedures.	Appellant alleges category he was hired into was incorrect, resulting in misclassification causing appellant to lose seniority. The Commission forwarded the appeal to the Personnel Office. The Appeal was Dismissed on February 18, 2010.	

CASE#	APPELLANT	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	HEARING OFFICER
09-04-018		SCL	12-17-09		Loss of Service Credit due to Disparity in Determination of Seniority	Loss of Service Credit due to Disparity in Determination of Seniority. Commission reviewed at its January 20, 2010 meeting. Not within the jurisdiction of the Commission. Appeal will be forwarded to City Personnel. Appeal Dismissed January 21, 2010	
09-03-006		DoIT	05-22-09	Classificatio n 2.1; 2.2; 2.3 Compensati on 3.1; 3.4; 3.12	Whether reclassification process/reconsid eration was properly followed.	Appellant alleges the reclassification/reconsideration process was not followed for job title and alignment with duties and assignments appellant is currently performing. The 1st Prehearing took place on June 19, 2009. The Hearing is scheduled for July 29 & 30. Parties closing briefs due, September 2, 2009. Decision issued on September 17. Commission will review appellant's Petition for Review and Respondent's Brief in Response to Appeal at its next meeting on December 9, 2009. The Commission reviewed at its January 20 meeting. The Commission issued a Memorandum Decision and Modified Decision on Hearing. Dismissal Order issued February 4, 2010.	Diane Hess Taylor